

REMARKS

Claims 1-3, 5-15, 27, 28, 36, 37, 40-42, 44, 45, 48, 49, and 51-53 are pending. Applicant thanks the Examiner for withdrawing with rejection under 35 USC § 112.

I. New Claim 53

New claim 53 is supported by Fig. 1. No new matter has been added.

II. 35 USC § 103(a)

A. Claims 1-3, 5, 7, 9-14, 27, 28, 36, 37, 40-45, 51 and 52

Claims 1-3, 5, 7, 9-14, 27, 28, 36, 37, 40-45, 51 and 52 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit (U.S. Patent No. 5,979,132) in view of Johnson (U.S. Patent No. 3,200,547), Hickler (U.S. Patent No. 2,456,006) and Brown et al. (U.S. Patent No. 3,321,878).

The Office Action asserts the combination of Margarit, Johnson and Hickler teach each feature of the claims, except for the pad being hollow, for which purpose Brown et al. is cited. The Office Action asserts it would have been obvious to modify the pad (as allegedly taught by the combination of Margarit, Johnson and Hickler) to include a hollow core "to enable the molding to easily resiliently compress." However, as the interior members 16 and 17 (described by the Office Action as pads) are resilient and deformable, the cited references would not have directed one of ordinary skill in the art to do what the present inventors have done, i.e., provide the pad with a hollow core.

Even if a hollow core would enable the pad to easily resiliently compress as asserted by the Office Action, Brown et al. does not provide such disclosure. In fact, Brown et al. describes its seal 158 merely as being rubber-like (col. 7, ln. 15-17), without any description of the structure or function of the circle shown in the center of seal 158 in Fig. 6. Thus, while Fig. 6 shows a circle in the horizontal cross-section of seal 158, such a circle is not described as being empty, forming a hollow core therethrough. In fact, the only description of a resilient pad having a hollow core is in the present specification. Reconsideration is respectfully requested.

Claims 27 and 28 recite a method of preventing moisture from seeping into a gap between a floor and a wall comprising, *inter alia*, compressing the pad in the absence of an adhesive. Even if Johnson were to teach a pad as presently recited, there is neither a teaching nor suggestion to eliminate adhesive 19 of Johnson and compress the pad. Although the Office Action states that the recited method steps would have been obvious, the Office Action fails to explain why one of ordinary skill in the art would have *eliminated* a method step of the cited reference.

Claim 44 recites that the floating floor has a decor which is *identical* to the decor of the decor sheet of the molding. The Office Action asserts such a feature would have been obvious as “matching color surfaces would provide for a harmonious and aesthetic appearance for the combined assembly.” However, none of the cited references discloses (1) a molding having a decor *identical* to the decor of the floating floor or (2) that such a feature “would provide for a harmonious and aesthetic appearance for the combined assembly.” Thus, the Office Action is relying upon impermissible hindsight in stating that the claimed combination of features would have been obvious. Reconsideration is respectfully requested.

B. Claim 6

Claim 6 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit in view of Johnson, Brown et al. and Hickler in further view of Stillman (U.S. Patent No. 6,216,164). However, as Stillman fails to cure the deficiencies of Margarit in view of Johnson, Brown et al. and Hickler, reconsideration is respectfully requested.

C. Claim 15

Claim 15 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit, in view of Johnson and Hickler. Claim 15 recites that the floating floor has a decor which is *identical* to the decor of the decor sheet of the molding. The Office Action asserts such a feature would have been obvious as “matching color surfaces would provide for a harmonious and aesthetic appearance for the combined assembly.” However, none of the cited references discloses (1) a molding having a decor *identical* to the decor of the floating floor or (2) that such a feature “would provide for a harmonious and aesthetic appearance for the combined assembly.” Thus, the Office

Action is relying upon impermissible hindsight in stating that the claimed combination of features would have been obvious. Reconsideration is respectfully requested.

III. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below. If any fee is necessary to make this paper timely and/or complete, it may be deducted from the undersigned's deposit account no. 19-4375.

TPP/EPR
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Respectfully submitted,



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